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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 10-00317-JF/PVT
)	
12 Plaintiff,)	UNOPPOSED MOTION TO CONTINUE;
)	STATUS HEARING; [PROPOSED]
13 vs.)	ORDER
)	
14 LANH TRAN-TU,)	
)	
15 Defendant.)	Honorable Jeremy Fogel
)	

16 _____

17 Mr. Lanh Tran-Tu is charged with 18:554 fraudulently and knowingly attempting to
18 export and send from the US merchandise.

19 Mr. Tran-Tu made his first appearance in this matter on March 3, 2009 and is presently
20 released on a \$100,000.00 signature bond.

21 This matter has been referred to the Honorable Judge Whyte for a settlement conference.
22 At the last status hearing the parties informed the Court that they had been unsuccessful in
23 scheduling a settlement conference, and the matter was put over to allow more time to do so.
24 Since that date, defense counsel has been away from work for health reasons. However the
25 parties have now scheduled a settlement conference with Judge Whyte on Monday, October 4,
26

1 2010. The defense asks that the status hearing for Thursday, September 23, 2010, be continued
2 to Thursday, October 7, 2010 at 9:00 a.m.

3 Dated: September 22, 2010

4 Respectfully submitted,

5 BARRY J. PORTMAN

6 Federal Public Defender

7 _____/s/_____

8 NICHOLAS P. HUMY

9 Assistant Federal Public Defender

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9 IN THE UNITED STATES DISTRICT COURT
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13 UNITED STATES OF AMERICA,) No. CR 10-00317-JF/PVT
14)
15 Plaintiff,) **DECLARATION OF NICHOLAS P.**
16 vs.) **HUMY RE: UNOPPOSED MOTION TO**
17) **CONTINUE; STATUS HEARING**
18)
19 LANH TRAN-TU,)
20 Defendant.)
_____)

21 I, Nicholas P. Humy, hereby declare as follows:

22 1. I am an Assistant Federal Public Defender for the Northern District of California,
23 San Jose Division. Our office has been appointed to represent Defendant Lanh Tran-Tu in the
24 above-captioned case.

25 ///

3. I have discussed these requests with AUSA Gary Fry, and he joins in these requests. Both counsel also agree that time should be excluded for effective preparation of defense counsel, and for continuity of defense counsel.

12 I declare under penalty of perjury that the foregoing is true and correct, except for those
13 matters stated on information and belief, and as to those matters, I am informed and believe them
14 to be true.

15 Executed this 22nd day of September 2010, in the Northern District of California.

17 _____/s/_____
18 NICHOLAS P. HUMY
Assistant Federal Public Defender


IN THE UNITED STATES DISTRICT COURT
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SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-00317-JF/PVT
)	
Plaintiff,)	UNOPPOSED MOTION TO CONTINUE;
vs.)	STATUS HEARING; [PROPOSED]
)	ORDER
LANH TRAN-TU,)	
)	
Defendant.)	Honorable Jeremy Fogel
_____)	

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the September 23, 2010 status hearing is continued to Thursday, October 7, 2010 at 9:00 a.m.

IT IS FURTHER ORDER THAT, 16 days shall be excluded from the period of time in which trial shall commence under the Speedy Trial Act as the reasonable time necessary for continuity of counsel and effective defense preparation, pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(7)(B)(iv)

Dated: 9/28/10



JEREMY FOGEL
United States District Judge